

Exhibit 2

1052

INCIDENT REPORT  
NARRATIVE

AGENCY NAME MONROE COUNTY SHERIFF	ORI # WI0420000	REPORT DATE 8/13/2016 7:26:00 PM	CASE NUMBER 2016-0923
SPENCER REPORT			
MCSO Case #2016-0923 Hillsboro PD Case # 16-0304 Juneau County Case # 16-08166 Vernon County Case # 16-0810			
Suspect: Lewis Edward Byrd III 1977 (m/b) Currently in Vernon County Jail			
Other: Sawant Butcher 1982 (F/I) Currently in Juneau County Jail			
Witness: George E. Schumer 1950 (m/w) N10257 22nd St East Necedah WI 54646 608-565-2946			
<p>On 08/13/2016 at approximately 8:10pm I, Detective Jeffrey Spencer, was contacted by Deputy Von Ruden. Deputy Von Ruden advised that there had been a vehicle pursuit and officer involved shooting in Vernon County and they were requesting an outside agency investigate.</p> <p>I responded to Hwy 33 near Co Rd WW where the incident had occurred. This location is between Hillsboro and Union Center. The location is just inside Vernon County near the Vernon/Juneau County line. Upon arrival I met briefly with Deputy Ryan Williams with Monroe County Sheriff's Office, who had come to assist in securing the scene. I was advised that the officer involved shooting occurred at the location just inside Vernon County, and the vehicle that was involved was approximately 1/4 mile up the road. During the course of my investigation I found the following information.</p> <p>Shortly after 6:00pm on 08/13/2016 multiple officers were advised of an erratic driver on County Hwy A near Hwy 80 in Juneau County. The vehicle that they were looking for was a 2013 Lexus with MN plate of 370KTR. The registered owner, Lewis E Byrd III, had a warrant out of Minnesota and a caution indicator advising of prior fleeing from police. State Patrol had attempted to locate the vehicle, however while trying to catch up to the vehicle, it evaded the officers. While trying to locate the vehicle Juneau County Deputy Michael Sickinger located a different vehicle that was also registered to Byrd. They attempted to stop this vehicle, however it did not stop until it was presented with tire deflation devices in the road. The driver stopped just before the tire deflation device and was taken into custody. The driver was identified as Sagwant Butcher (who was later identified as Byrd's girlfriend).</p> <p>A short time later civilian, who had been listening to the scanner observed the 2013 Lexus with MN plates in Hillsboro. They followed the vehicle and contacted police. The vehicle traveled to Union Center, then north to Elroy. Once in Elroy, Officer Todd Kruger observed the 2013 Lexus turn around and head back south out of Elroy. Officer Kruger followed the vehicle and waited for additional units before attempting to stop the vehicle. Deputy Zirk, with Vernon County Sheriff's Office, positioned his vehicle just north of Union Center. When Officer Kruger observed Deputy Zirk's vehicle ahead he attempted to stop the vehicle. Officer Kruger activated his emergency light (no siren) however the vehicle did not stop. Deputy Zirk (who had his lights active) pulled his squad into the southbound lane in the path of the Lexus. The Lexus had to swerve onto the shoulder of the road to avoid Deputy Zirk's vehicle. Deputy Zirk turned his car around and began pursuing the Lexus, with his lights and siren activated. The Lexus accelerated ahead and Deputy Zirk pursued the vehicle into Union Center where it turned west onto Hwy 33. When Deputy Zirk made the turn onto Hwy 33 his vehicle struck another vehicle and he was unable to continue pursuing the vehicle. Officer Kruger continued to pursue the vehicle on Hwy 33. I later spoke with Officer Kruger who advised that his squad car was not equipped with a squad camera and therefore he did not have any video of the incident. Deputy Zirk did have squad video, however it only shows the short part of the pursuit that he was involved in.</p> <p>Officer Brandon Arenz was working in Hillsboro at the tractor pull event. When he heard that the vehicle was headed towards Hillsboro he picked up a squad and headed towards Union Center. Officer Arenz stopped his squad car on Hwy 33 near E18873. Officer Arenz's squad was facing EB, on the shoulder of the EB lane, with emergency lights activated. According to Officer Arenz, he exited his vehicle and carried his spike strips to the shoulder of the WB lane in preparation for the suspect vehicle to arrive at his location. (As the suspect vehicle was coming into sight, a vehicle being driven by George Schumer pulled out of Hillsboro Equipment. Schumer started to go WB and then observed Officer Arenz and his vehicle up ahead. Schumer did not know what to</p>			
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## INCIDENT REPORT NARRATIVE

AGENCY NAME: MONROE COUNTY SHERIFF	ORI # W10420000	REPORT DATE: 8/13/2016 7:26:00 PM	CASE NUMBER 2016-0923
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SPENCER REPORT

do so he slowed and came to a stop near Officer Arenz. Schumer realized that Officer Arenz was looking at the suspect vehicle coming up behind him.

The suspect vehicle stopped behind Schumer's vehicle, was put in reverse and accelerated backwards, and struck Officer Kruger's squad which was coming to a stop. The suspect vehicle struck Officer Kruger's vehicle, causing severe damage to the front end and set off the air bags. The vehicle then went into the oncoming lane, and began going WB in the EB lane to get around Schumer's vehicle. According to Officer Arenz, he was yelling for the vehicle to stop and he moved into the EB lane as the suspect came towards him. Officer Arenz advised he observed the driver of the vehicle lean over into the passenger seat as the vehicle headed towards him. Officer Arenz advised he feared for his life and began firing at the vehicle as it came at him. Officer Arenz moved to his left, as the suspect vehicle went past him. Officer Arenz advised that he continued to fear for the safety of the large group of people at the Hillsboro tractor pull so he continued to fire at the vehicle as it drove away. Officer Arenz fired several more times as the vehicle sped away.

Officer Arenz advised that retrieved the spike strips and moved them to the ditch line. He then got in his squad and began pursuing the suspect. Officer Arenz advised that as he made the curve up ahead he observed the suspect exit his vehicle and begin running on foot, across the road and into the ditch on the EB side of the road. Officer Arenz exited his squad and ran to the edge of the ditch line. He observed the suspect and ordered him to stop. At this time of suspect stopped and was taken into custody.

I asked Officer Arenz if he had any video of the incident. He advised that when he started going to the incident the video camera was still starting up and therefore was not activated initially. Officer Arenz said that after the shooting he got back to his squad and manually started the camera, which caused it to have a short period of pre-record, however he did not know if it recorded any of the shooting. I later reviewed the video and found that the video only captures from the time that Officer Arenz is bringing the fire deflation device back to the ditch and then the events that occurred after that.

Officer Arenz turned his gun over to Sgt. Patrick Clark from Hillsboro Police, who in turn turned it over to Sgt. Winchel with Vernon County. Sgt. Winchel later turned the gun over to me. The gun had 4 bullets in the magazine and 1 that had been ejected from the gun while making it safe.

After speaking with Officer Arenz I did a walk-through of the scene and later collected evidence. I found that there were 3 bullet casings in the road and 1 one the EB shoulder. I found that there were 6 casings in the WB shoulder. I found that all 3 of the casing that were in the roadway were damaged. I also found that Officer Arenz had fired 11 rounds (he believed he had his gun fully loaded with and 15 round magazine plus 1 chambered in the gun). The location of the bullet casings were consistent with what Officer Arenz said occurred. Due to the fact that there were only 10 casings located, it is possible that a casing became wedged in a vehicle's tire prior to the road being closed down. We also located 1 fragment of a bullet in the roadway.

In examining the vehicle I located 8 places where it appeared the vehicle had been struck by bullets. The vehicle had been struck once each in the following locations: In the right headlight; On the hood of the car near the front middle part of the hood; Just below and behind the left headlight; Through the passenger side window edge; Just behind the back passenger window; In front of the back right tail light; Into the back right tail light; Into the back window, on the right edge. There was no clear indication that any of the rounds made it into the passenger compartment of the vehicle. There was, however, a scratch and crack near on the front center console, however it was unclear if the damage occurred from or prior to the shooting.

While on scene, I did take photographs and conduct searches of both Officer Kruger, and Officer Arenz's squad car, but found nothing of evidentiary value.

Investigator Michael Marquardt from State Patrol came to the scene and later to impound to document the scene. In doing so he mapped out the location of the evidence that was located, as well as later did a 3-D scan of Officer Kruger's squad and the suspect's vehicle. See his report for further detail.

On 08/16/16 I met with Byrd at the Vernon County Jail. I explained to Byrd what my part of the investigation entailed and I read him his rights. While reading Byrd his rights, and after his rights were read, Byrd was very contemplative as to whether or not he wanted an attorney. I asked him multiple times if he was asking for an attorney, but he would not directly answer if he was or wasn't. I told Byrd that I would let him go back and think about it, and find out what happened at court (as he had court scheduled for later that day), however he advised that he didn't want to lose the opportunity to talk to me now. Byrd would then talk in circles and give little bits of information. Byrd was very concerned about his girlfriend, Butcher. I advised him that she was ok and was in custody in Juneau County. Byrd advised that she didn't do anything wrong and didn't understand why she was arrested. I explained that she fled from the police in her vehicle. Byrd advised that he was on the phone with her when she was being pulled over and that she did pull over. I asked if he could see them when she was pulled over and he said that he couldn't. Byrd advised

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